

REMARKS

By the present Amendment, claims 10, 12, 14, 18 and 20 are amended, and claims 27-38 are added. This leaves claims 9-38 pending in the application, with claims 9, 22 and 37 being independent.

Rejection Under 35 U.S.C. §102 and §103

Claim 9 covers an aircraft passenger seat comprising a seat part, a backrest extending from the seat part, a tray table 3 and a pocket receptacle 15. The backrest has a support structure 11 and a backrest cushioning 13 on the support structure. The tray table is coupled to the support structure and is foldable between a stored position on a back of the support structure and a use position away from the back of the support structure. The pocket receptacle is on the back of the support structure for holding utensils, printed materials and travel accessories, and is a cavity extending in the support structure at least partially between the tray table in its stored position and the backrest cushioning. A main opening is provided for the pocket receptacle for introducing objects into the cavity and is open and exposed when the tray table is in its stored position, the tray table remains outside the cavity in its stored position.

By forming the aircraft passenger seat in this manner, a passenger has permanent and constant access to the cavity independent of the position of the tray table. Particularly, access to the contents of the pocket receptacle can be obtained through the main opening even when the tray table is in its up or stored position. The tray table does not interfere with the cavity. None of the other cited patents or applications disclose or render obvious this feature.

Claims 9-12, 14, 17-19 and 21-22 stand rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 4,726,621 to Müller. The Müller patent is cited for an aircraft seat

having a backrest 1 with a support structure and cushioning and extending from a seat part and having a tray table 4 coupled to the backrest support structure and foldable between stored and use positions. Based on the drawing on page 11 of the Office Action, it is apparently contended that the back of the seat, including that portion above the net bag 2, provides a pocket receptacle being a cavity in the support structure between the table in its stored position and the backrest cushioning and having a main opening for introducing objects into the cavity. The main opening allegedly remains open and the table is allegedly outside the cavity in the table stored position. Plate 4' (Fig. 4) forming part of table 4 is alleged to provide the plate of claim 12, and also presumably of claim 22.

Claims 9-12, 14-16 and 22-26 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,994,401 to Fischer. The Fischer patent (not Müller also referred to in paragraph 12 of the Office Action) is cited for allegedly disclosing a backrest extending from a seat part and having cushioning on a support structure. A tray table 36 allegedly is coupled to the support structure and foldable between a stored position on the back of the support structure and a use position. A pocket receptacle, as interpreted in the drawing on page 12 of the Office Action, is allegedly on the back support structure, and has a cavity in the support structure between the tray table in the stored position and the back rest cushioning and a main opening open and exposed when the tray table is in a stored position as allegedly shown in Fig. 7. Reference is made to a plate 4' (although not in the Fischer patent) in connection with claim 12 and a plate 32 relative to claim 22.

Claim 13 stands rejected under 35 U.S.C. §103 as being unpatentable over the Müller patent in view of U.S. Patent No. 5,507,556 to Dixon. The Dixon patent is cited for the use of a display screen that would be allegedly obvious to add to the Dixon seat.

Claims 15-16 stand rejected under 35 U.S.C. §103 as being unpatentable over the Müller patent in view of the Fischer patent. The Fischer patent is alleged to teach the use of a bottom opening and a lip as allegedly shown in the illustration of Fig. 7 presented on page 12 of the Office Action.

Claim 9 is patentably distinguishable over the Müller patent, particularly by the cavity extending in the support structure at least partially between the tray table in the stored position and the back rest cushioning. The Müller chair back 1 is cited for the claimed support structure and backrest cushioning, while Müller table 4 is cited for the claimed tray table. However, the Müller chair back does not have a cavity in support structure forming a receptacle for objects, but merely has a depression for receiving table 4 in its stored position. Such depression does not constitute the claimed receptacle being a cavity in support structure of a back rest. Even if that Müller depression is interpreted as a receptacle, it lacks the claimed main opening for introducing objects in the receptacle since the depression is solely for the tray table. The Müller reference member 2 solely identifies a net bag 2 that is not part of that depression and is located below the depression such that it does not allow introduction of objects in the depression.

If the Müller depression receiving the stored table 4 is claimed receptacle and cavity, the Müller table is inside the depression in its stored position, as shown in Figs. 2-3, and described in column 2, lines 60-63, not outside such depression (cavity), as recited in claim 9. Müller column 3, lines 14-16, specifically describes that “it will be possible to fold up the plates according to

this embodiment to abut closely to the back of the chair back 1...”, thereby eliminating the provision of a receptacle for objects in the stored position of table 4. No other part of the Müller seat is identified as providing the claimed receptacle and cavity.

In paragraph 31-32 of the Office Action, mere conclusions are stated without any reasons therefor. The lack of reasons shows that the rejections of the claims are untenable.

In the Müller seat, the only structure providing a pocket receptacle is the net bag 2. However, as clearly illustrated in Figs. 2 and 3 of the Müller patent, the net bag 2 is located completely below the tray table in its stored position, as shown in Fig. 2, such that it is not between the tray table in the stored position and the back rest cushioning, as claimed. If any space exists between the Müller tray table and the back rest cushioning, any such space does not provide a receptacle for holding utensils, printed materials and travel accessories, as claimed.

Additionally, the Müller support structure corresponding to the claimed support structure can only be considered to correspond to the back rest 1, and not to the support element 9 of the tray table. The Müller support structure for the table or its legs 9 do not correspond to the claimed support structure. Additionally, since the tray table must fold away from the support structure according to the claim, the legs 9 cannot satisfy that feature. Further, nothing in the Müller patent discloses that the net bag has a main opening that remains open and exposed from the tray table in its stored position. As illustrated in Fig. 2, the top opening for the Müller net bag 2 appears to be closed in all positions of the tray table and must be forced open to receive objects. Particularly, it does not disclose a pocket receptacle with a main opening that remains open when the tray table is in its stored position that is located between the tray table and the

back rest cushioning, as claimed. Rather, the net bag 2 is within the knee space, and is not between the tray table 4 and the back rest cushioning 1 in the stored position of the tray table.

The claimed structure allows objects to be placed in the pocket receptacle from its top with the tray table in its stored position. Even if any objects could be stored between the Müller tray table 4 and the back rest cushioning 1, the lip provided in the back rest below the latch 3 would preclude the entry of objects into that space in the stored position of the tray table, even if such space was viewed as constituting a receptacle.

Accordingly, the Müller patent does not anticipate o the subject matter of claim 9.

Claim 9 is patentably distinguishable over the Fischer patent by the tray table remaining outside of the cavity in its stored position. As clearly illustrated in Fig. 7, the tray table 36 is stored within the cavity or recess such that the cavity is not fully available for other objects. No discussion of this claimed feature or its omission in the Fischer patent is contained in the Office Action. Accordingly, the Fischer patent cannot be viewed as being anticipatory of the claim 9 subject matter.

Claims 10-21 being dependent upon claim 9, are also allowable for the above reasons. Moreover, these dependent claims recite additional features further distinguishing them over the cited patents and applications. For claims 10, 11, 12, 14 and 17 relative to the Fischer patent, the Office Action merely repeats improperly the discussion of those claims relative to the Müller patent.

Claim 10 is further distinguished by the cavity extending vertically from an area adjacent the support structure top edge to a structure element forming the receptacle bottom and located within a surface area of the tray table in the stored position. No such structural arrangement is

disclosed or rendered obvious by the cited patent documents. The Müller net bag 2 is below the tray table in its stored position such that the cavity formed thereby does not meet the claim limitations. The cavity receiving the tray table in Fischer Fig. 7 is spaced from and does not extend from an area adjacent the support structure top edge.

Claim 11 is further distinguished by the main opening being adjacent the top edge of the support structure and opening in a backward direction away from the backrest cushioning. This further maintains the access to the pocket receptacle in the stored position of the tray table. In the Müller patent, the top of the net bag 2 is not adjacent the top edge of the support structure, but is placed in the lower half of the back of chair back 1. No other structure of the Müller patent provides a main opening for a pocket receptacle. In Fig. 7 of the Fischer patent, the top edge of the support structure is adjacent the lighting assembly 42 that is spaced from and not adjacent the main opening for the receptacle for the tray table.

Claim 12 is further distinguished by the plate forming the rear wall of the receptacle and being distinct from the tray table, particularly within the overall claimed combination. Relative to the Müller patent, the net bag 12 does not provide a plate, as claimed. Müller plate 4' is part of the tray, and not a part of the receptacle. Relative to the Fischer patent, no plate 4' is disclosed therein.

Claim 13 is further distinguished by the display screen integrated therein, within the overall claimed combination.

Claim 14 is further distinguished by the latch for the tray table being supported in the stored and use positions on the plate defining the receptacle. While the Müller patent discloses a latch 3, such latch is on the back surface of the back rest, and not on a plate (alleged to be

provided by plate 4') defining a receptacle in the use position of the tray table, as claimed. No such latch is disclosed in the Fischer patent, as alleged, since part 42 is a lighting assembly, not a latch.

Claim 15 is further distinguished by the bottom opening extending between the structure element and the plate. Claim 15 is not rejected based on the Müller patent. Relative to the Fischer patent, no comments are provided regarding this feature, and no such opening is provided in the Fischer patent, as shown in Figs. 6 and 7.

Claim 16 is further distinguished by a lip on the support element and projecting into the bottom opening. No such lip appears to be disclosed in the Müller patent or Fischer patent.

Claim 17 is further distinguished by the tray table having its face facing the cavity in the stored position, while the main opening allows removal of items stored in that position. Müller Fig. 2 is referenced as allegedly showing a tray table 4 with a face facing the cavity in the stored position. However, table 4 is spaced from the cavity defined by net bag 2 that is the only structure that forms a pocket receptacle. Relative to the Fischer patent, no tray table 4 is shown in Fig. 2 thereof, as alleged.

Claim 18 is further distinguished by the relative positioning of wall piece 23 relative to the rear wall of the support structure bearing the backrest cushioning, with the tray table having a top edge below a top of the wall piece. These relative orientations ensure unobstructed access to the receptacle contents through the main opening even when the tray table is in its stored position. Such arrangement is not disclosed or rendered obvious by any of the cited patents. The Müller plate 4' of tray table 4 is cited relative to this claimed feature, but does not constitute a wall piece that forms a hollow space for the cavity of a pocket receptacle, as claimed. That plate

4' is only part of tray table with lower table surface 4 to replace rack 7 of the embodiment of Figs. 1-3. As part of the Müller tray table, plate 4' cannot form a part of the support structure from which the tray table moves to move a use position, since it cannot fold away from itself. Moreover, plate 4' is not spaced from the back rest to form the hollow space for the cavity or to form the lower upper edge in the table stored position. The Fischer patent is not applied against claim 18.

Claim 19 is further distinguished by the by the latch being on the rear side of the wall piece. The Müller latch 3 is only on the back rest, not a wall piece of a pocket receptacle, as claimed.

Claim 20 is further distinguished by the latch being mounted below the main opening in a direction parallel to the main direction of the seat back in its upright position. In contrast, the Müller latch 3 is located above the main opening providing access to the contents in net bag 2.

Claim 21 is further distinguished by the upper edge of the wall piece defining the main opening and the latch for the tray table being mounted below that upper edge. Such positioning of the latch ensures that the tray table will not obscure the main opening for access to the pocket receptacle contents when the tray table is in its stored position. The Müller latch is above, not below the opening of net bag 2, and thus, does not disclose this claimed feature.

Claim 22 covers an aircraft passenger seat comprising a seat part having a forward edge and a rear edge, and a backrest extending from the seat part adjacent its rear edge, with the backrest having a front surface facing the seat part and a rear surface remote from and facing opposite from the front surface. A support structure 11 on the rear surface defines a cavity on the rear surface and has laterally spaced side portions. A plate 23 extends between the side portions

and is spaced from the backrest rear surface to define a receptacle therebetween. The plate has a top edge defining a main opening for inserting items into and retrieving items from the receptacle, and has a bottom edge spaced from the top edge. A structure element 21 extends between the support structure side portion, is spaced from the top edge, is adjacent the bottom edge, and forms a bottom of the receptacle. A tray table 3 is mounted on the rear surface for movement between a stored position overlying a rear, outer surface of the plate and a use position spaced from the backrest. The tray table has an upper edge in its stored position located below the top edge of the plate maintaining the main opening unobstructed in its stored position.

For the reasons advanced above, such structure is not anticipated or rendered obvious by the cited patent documents. No comparison is provided between the Müller patent and the claim 22 subject matter. Clearly, the Müller tray table is not located in its stored position where it overlies a rear surface of a plate defining a receptacle between the plate and the back rest rear surface, as claimed. As noted above, net bag 2 is spaced below tray table 4 in the tray table stored position in the Müller patent. In the Fischer patent, the stored position of the tray is inside the alleged receptacle and inside back rest cover 32, not on a rear outer surface of the plate defining the receptacle, as claimed.

Claims 23-26, being dependent upon claim 22, are also allowable for the above reasons. Moreover, these dependent claims recite additional features further distinguishing them over the cited patent documents.

Claim 23 is further distinguished by the latch for securing the tray table being mounted on the plate between its top and bottom edges. The Fischer part 42 is a light assembly for illuminating the tray table in the use position, not a latch for securing the tray table.

Claim 24 is further distinguished by the latch being adjacent the plate top edge. No such latch or relationship is disclosed or rendered obvious by the Fischer patent.

Claim 25 is further distinguished by the tray table being pivotally coupled to the support structure, within the overall claimed combination.

Claim 26 is further distinguished by the plate having a bottom opening adjacent its bottom edge. No such bottom opening is provided in the Fischer recess 38.

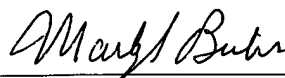
New claims 27-36, being dependent on claim 9, are also allowable for the reasons advanced above relative to claim 9. These new claims are supported by the originally filed specification and drawings, and further distinguish these claims over the cited patent documents by the features recited therein.

New claim 37 combines the limitations of claims 9, 18, 20 and 35, and is patentably distinguishable for the corresponding reasons. Claim 38, being dependent upon claim 37, is also allowable for those reasons, and is further distinguishable by the latch extending over the tray table top edge in the storage position.

Applicants note with appreciation the January 30, 2009 telephone interview between SPE David Dunn and the undersigned regarding the procedural aspects and the finality of the January 23, 2009 Office Action. Mr. Dunn agreed that such Office Action is to be treated as being non-final.

In view of the foregoing, claims 9-38 are allowable. Prompt and favorable action is solicited.

Respectfully submitted,



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Dated: April 22, 2009